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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/785,059

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Paul M. Julich

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7590

11/28/2007

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EXAMINER

BEHNCKE, CHRISTINE M

ART UNIT

PAPER NUMBER

3661

MAIL DATE

DELIVERY MODE

11/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/785,059

Applicant(s)

JULICH ET AL.

Examiner

Christine M. Behncke

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the Amendment and Remarks filed 10 September 2007, in which claims 1-58 were presented for examination.

Response to Arguments

Applicant's arguments filed 10 September 2007 have been fully considered but they are not persuasive. Applicant contends the applied reference Crone is merely a "retrospective" movement planner and does not teach predicting events as a function of actual event that occur, after the generation of the movement plan. The Examiner respectfully disagrees. Crone explicitly describes planning with exception handling due to anomalies that occur after an original movement plan has been generated (column 8, lines 23-57). Please see the rejection below.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Crone, US 6,154,735.

(Claims 1, 5-7, 9, 24-27, 29-32, 33, 35-40, 41, 44, 46, 47, 56, 57, and 58) Crone discloses a method, system and computer program product for controlling the movement of plural trains over a network of tracks, the network having at least one control area, with a dispatcher being assigned to manage the movement of trains for a control area in accordance with the movement plan (column 6, line 61- column 7, line 16), comprising: predicting the occurrence of events along the network based on the

movement plan (column 11, line 65-column 12, line 36) as a function of an actual event occurring along the network subsequent to the generation of the movement plan (column 16, lines 38-47 and column 8, lines 23-57); and prompting the respective dispatcher to take specific actions as a function of the predictive events that are identified as a deviation from the movement plan (column 11, line 65-column 12, line 36, column 15, lines 40-60, and column 8, lines 23-57). Crone further discloses generating a task list of activities to be performed by the dispatcher as a function of the predicted occurrence of events (column 15, lines 10-29) and monitoring the completion of the activities specified on the task list (column 15, lines 30-60).

(Claim 2 and 34) Crone further discloses prompting includes requesting the dispatcher to provide information relating to the predicted event (column 17, lines 8-33).

(Claim 3 and 28) Crone further discloses wherein the plan is updated as a function of information provided by the dispatcher (column 31, lines 51-67).

(Claim 4) Crone further discloses wherein the prompting comprises interaction via a display enabling the dispatcher to request modifications to the plan (column 14, lines 12-24, column 18, lines 21-38).

(Claim 8) Crone further discloses wherein a prompting is a function of non-compliance of actual events with predicted events (column 22, lines 46-67).

(Claim 10) Crone further discloses predicting includes accessing historical performance information to predict future compliance with movement plan (column 34, lines 29-63).

(**Claim 11 and 43**) Crone further discloses wherein accessing comprises accessing information relating to configuration of work locations for trains performing specific types of activities (column 15, lines 30-60).

(**Claims 12-17**) Crone further discloses wherein accessing comprises accessing statistical information includes of the train characteristics, performance, and crew (column 9, line 57-column 10, line 3).

(**Claims 18-23, 42, 45, and 47-49**) Crone further discloses wherein displaying comprises displaying indicia of track location for predicted occurrences, graph of train location, planned route of a selected train, alerts, and authority of movement to the dispatcher (column 16, lines 38-62, column 18, lines 29-53).

(**Claims 50 and 51**) Crone further discloses communicating a planning constraint recognizable to a computer based movement planner and updating the communicated planning restraint (column 18, lines 21-53).

(**Claims 52-55**) Crone further discloses the step of updating the movement plan (column 14, lines 12-33), establishing a communication link with a train as a function of the location of the train (column 14, lines 12-33), determining the appropriate time to issue bulletin and the appropriate train route for the train bulletin (column 15, lines 10-29), tasking the dispatcher to issue the train bulletin at the appropriate time (column 15, lines 10-56), and automatically issuing the train bulletin at the appropriate time (column 14, lines 25-54).

Conclusion

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine M. Behncke whose telephone number is (571) 272-8103. The examiner can normally be reached on 8:30 am- 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMB


THOMAS BLACK
SUPERVISORY PATENT EXAMINER